

SENATE BILL 2735

By Rochelle

AN ACT to amend Tennessee Code Annotated, Title 67.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-2106(a), is amended by deleting the words "in accordance with generally accepted accounting principles" and substituting instead the words "in accordance with subsection (b) below".

SECTION 2. Tennessee Code Annotated, Section 67-4-2106, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b) For purposes of this section, for taxpayer's filing on a separate entity basis, "net worth" is defined as the difference between a taxpayer's total assets less its total liabilities computed in accordance with generally accepted accounting principles. However, if the taxpayer does not maintain its books and records in accordance with generally accepted accounting principles, net worth shall be computed in accordance with the accounting method used by the taxpayer for federal tax purposes, so long as the method fairly reflects the taxpayer's net worth for purposes of the tax levied by this part. For taxpayers required by this part to file as a unitary group on a combined basis,

“net worth” is defined as the difference between each such taxpayers’ total assets less its total liabilities computed in accordance with generally accepted accounting principles.

SECTION 3. Tennessee Code Annotated, Section 67-4-2107(b), is amended by adding the following sentence:

Provided, however, if the taxpayer, other than any taxpayer required by this part to file as a unitary group on a combined basis, does not maintain its books and records in accordance with generally accepted accounting principles, the value of the interest shall be computed in accordance with the accounting method used by the taxpayer for federal tax purposes, so long as the method fairly reflects the value of the taxpayer’s ownership interest for purposes of the tax levied by this part.

SECTION 4. Tennessee Code Annotated, Section 67-4-2108(a), is amended by deleting subdivision (3) in its entirety and substituting in its place the following:

(3) For purposes of this section, “property” shall be valued at cost less accumulated depreciation in accordance with generally accepted accounting principles; provided, however, if the taxpayer, other than any taxpayer required by this part to file as a unitary group on a combined basis, does not maintain its books and records in accordance with generally accepted accounting principles, the value of the property shall be computed in accordance with the accounting method used by the taxpayer for federal tax purposes, so long as the method fairly reflects the property’s value for purposes of the tax levied by this part. For this purpose, “property” includes a taxpayer’s ownership share of the real or tangible property owned or rented by any general or limited partnership, subchapter S corporation, limited liability company, or other entity treated as a partnership for federal tax purposes and not subject to the tax levied by this part and in which the taxpayer has an ownership interest either directly or indirectly through one or more such entities. In cases where part or all of the property is rented, the value of

rented property used shall be determined by multiplying the net annual rental by the following multiples:

| | Multiples |
|--|-----------|
| (a) Real property | 8 |
| (b) Machinery and equipment used in manufacturing and processing ... | 3 |
| (c) Furniture, office machinery and equipment | 2 |
| (d) Delivery or mobile equipment | 1 |

SECTION 5. The provisions of this act shall apply to tax years beginning on or after July 1, 2000.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.